

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------|---|------------------------|
| SHARON MUNDY, |) | |
| |) | |
| Plaintiff, |) | 2:22-cv-31 |
| |) | |
| v. |) | |
| |) | Judge Marilyn J. Horan |
| CITY OF PITTSBURGH, |) | |
| |) | |
| Defendant. |) | |

ORDER

AND NOW, on this 8th day of June, 2022, and upon consideration of the City of Pittsburgh's Motion to Dismiss Ms. Mundy's Complaint and accompanying brief, (ECF Nos. 8 & 9), Ms. Mundy's Response in Opposition, (ECF No. 15), and the City's Reply, (ECF No. 16), the City's Motion to Dismiss is granted.

The City's Motion to Dismiss is granted without leave to amend as to:

- The Complaint's ADA Disability Discrimination claim with regard to Ms. Mundy's toe injury;
- The Complaint's ADA Failure to Accommodate claim with regard to Ms. Mundy's toe injury;

The City's Motion to Dismiss is granted with leave to amend as to:

- The Complaint's ADA Disability Discrimination claim with regard to Ms. Mundy's asthma condition;
- The Complaint's ADA Failure to Accommodate claim with regard to Ms. Mundy's asthma condition;
- The Complaint's ADA Retaliation claim;
- The Complaint's Title VII Retaliation claim;

- The Complaint's § 1981 Retaliation claim;
- The Complaint's Procedural Due Process claims.

Ms. Mundy shall file her Amended Complaint within 14 days of this date, or by June 22, 2022. The City shall answer Ms. Mundy's Amended Complaint within 14 days of the filing of Ms. Mundy's Amended Complaint, or by July 6, 2022, whichever occurs first. If Ms. Mundy does not file an Amended Complaint, this entire action will be dismissed, without prejudice.



Marilyn J. Horan
Marilyn J. Horan
United States District Judge